

ania, and there was no Demand in the *West Indies* for Bread and Flour, from the latter Province, while any from the former, could be had. The *New Yorkers* dropt their Law, which, I suppose, was temporary, and thought the Reputation of their Commodities too well established, to make the Revival or Continuance of it necessary. The *Pennsylvanians* made one, and soon turn'd the Tables upon their Neighbours, who found by Experience, that their Commodities were not vendible while those from *Pennsylvania* could be had. But what Occasion have I to go from home for Instances to prove what I contend for? Is it not fresh in our Memories that, before the Inspection-Law, the Crops of the poorer Sort among us, would not furnish them with the coarsest and cheapest Necessaries for their Families, after Payment of their Rents, and Public Dues? and that were it not for the Woollens and Linens they made, many of them must have gone naked, or to a warmer Climate. Our Neighbours of *Virginia*, under their Law, got a living Price for their Tobacco, and really grew Rich, while we were working ourselves into Misery and Beggary. When our Inspection Law took Place, we had as great a Share of the Trade, and as good Prices for our Tobacco, as they had; and we always must have as good a Price as, (if not better, than) they, for our *Oronoko* Tobacco, with proper Management, as our Soil is much better than theirs.

Suppose a Trader wants to buy a Parcel of Goods, and has his Choice which of two Countries to go to; in one of which there is a Law to regulate the Commodities he wants, to prevent Frauds, and to deliver them conveniently, and give him a good Dispatch; in the other, there is no such Law. If he is in his Senses, will he not go to the former? And

III. That such Regulations are no Violation of Liberty, but very consistent with it, and absolutely necessary, to secure every Man in his Property.

When the Consent of the People by themselves, or their Representatives, is necessary to the making of Laws; or, which is the same Thing, when the People have a Share in the Power of Legislation, I call it Liberty. Where the People have no such Share, but Laws are made for and imposed on them, at the Will, Pleasure, and by the Power of others, which is the Case in Despotick Governments, I call it Slavery. When Men first formed themselves into Societies for their mutual Defence and Security, that natural Equality, upon which all Mankind is said to have stood, was given up, without which, it was found by Experience, that the Peaceable, Innocent, and Weak, had no Security against the Strong, Rapacious, Crafty, and Violent, which was such a Situation, as must soon have ended in the entire Destruction of Mankind. When Societies were formed, it became absolutely necessary to restrain, by proper Penalties and Punishments, all Individuals from injuring others in their just Rights, Liberties, and Properties; without which, no Society could possibly subsist, as all Men are not actuated by the Rules of natural Equity and Justice; and therefore such Restraints became a fundamental Law in the Reason and Nature of Things. That the Happiness and Safety of the People, is the true End of all Laws is too evident a Truth to be denied; whence it necessarily follows, that he, who acts to the Prejudice of the People, whether by open Violence, secret Fraud, or Subtily, is an Enemy to the Community or Society of which he is a Member, and that the common Interest requires, that such a one should be distinguished and exposed, as Part of the just Punishment he deserves, and that others of equally bad Principles may be deter'd by his Example; which is the great End of punishing Offenders. By acting in this Manner, the Peace and Happiness of Society (wherein the Peace and Happiness of every Individual is included), are in good Measure secured, Virtue rewarded, and Vice discouraged. To apply this to the present Subject; it seems evident to me, that he, who deals in any Commodity, and uses any Fraud or Deceit in it, which may tend to bring that Commodity into Disreputation, especially if it be such a Commodity as many People are concerned in, and depend upon for the Support of themselves and their Families, is an Enemy to Society; and that such Practices ought to be as much guarded against as Theft, or any other unjust Invasion of Property. Some will ask this Question, Can't I, or am I not at Liberty to do as I please with my own? To which I answer, yes, with this Restriction, that you do not injure your Neighbour; you must not burn your own House, to as to burn or endanger the burning your Neighbour's House. Altho' the Axe you have in your Hand is your own, and you may do

with it as you will; yet you must not kill your Neighbour, or his Cattle, or cut down his Trees with it. You have full Liberty to do with your own as you please, provided you do not use it to the Hurt or Prejudice of another; in that you are restrained, and subject to Punishment if you transgress. This Restriction is a Security to your Neighbour; and is not your Neighbour's being under the like Restriction a Security to you? USE YOUR OWN SO AS NOT TO HURT ANOTHER, is a Rule in Law, as well as in Morality. It is not the proper Exercise of Power, or the just Use of Property, that is restrained; but the Abuse of both is restrain'd and punishable, and without such Restraint and Punishment, there would soon be an End of all Liberty, and of all the Peace and Happiness of Society.

Tobacco is our Staple, and what we must chiefly depend on for our Support, and it's affording us that Support, depends intirely on an honest, careful, and just Way of managing it; but it is not enough that this is done even by a Majority, it ought to be done by all; for suppose that four Planters in six take all the Care and Pains they can to make their Tobacco clean and good, and two of the six are slovenly and negligent, and for the sake of increasing their Quantity, have no regard to the Quality. Suppose then, that these six Planters ship all their Tobacco to one and the same Factor, who sells the Whole to one and the same Buyer; it is plain that that Factor must, and he cannot possibly avoid it, sell all his Tobacco together at a less Price than the Whole wou'd sell for, were all the Traff made by the two dishonest Slovens, separated from it, and none left but what is good and clean in Quality. The Slovens, mistaking their own Interest, lose considerably more by the Badness of the Quality of their Tobacco, than they can possibly gain by the Increase of the Quantity; and the four careful honest Men have not so much for their good Tobacco as they wou'd have, if their two slovenly and dishonest Neighbours were to make theirs equally good. Is it not then plain and evident, that the four honest and careful Planters are losers by the Negligence and Dishonesty of their two Neighbours? Are not the four injured by the two? Does not that Injury result from the Abuse of the Power the two have over their own? Ought not this Abuse to be restrained? Some perhaps may say, that this can only happen to those who Freight their Tobacco, and cannot affect such as sell in the Country; this I absolutely deny, for a Trader cou'd afford to give more for 1000 Weight of clean well-handled Tobacco, than he cou'd for the like Quantity, with a Mixture of 100 or more Trash; and besides, such fraudulent Practices bring all the Tobacco where they are used, under a very great Disreputation, and oblige the Trader to be upon his Guard, to use the honest and deceitful alike, and to give the former a less Price than he wou'd otherwise do, lest he shou'd be imposed on by false Packing, which it is not possible to guard against in all or many Cases. So that it is really in the Power of a few dishonest Men, to injure manifold their Number of honest ones, to which the Proverb of one scabby Sheep infecting a whole Flock, is applicable. These Observations lead me to consider what is to be done to prevent the Inconveniences mention'd; and I will venture to affirm, that there is no other Means or Expedient, but a restraining Law or Laws; and the Experience of our Neighbours, as well as our own, plainly point out to us the proper Law for that Purpose, and it cannot be difficult to amend such Defects, as have been or may be discover'd in it.

But it may perhaps be objected that notwithstanding our Inspection Law, Tobacco is very low at home; which is a melancholy Truth, of which we are all sensible; and we have no Reason to doubt but that *Virginia* Tobacco is under the same Circumstance; and if it be not, the Difference must be occasion'd by their Law being better executed than ours, which ought and may be easily provided for. But I take the low Price to be principally owing to the great Plenty of Tobacco, and that a great Plenty will always reduce the Price of any Commodity, as certainly as a Scarcity will raise it, cannot be denied. If it be low now, what must it be, were all the Trash which has been carefully saved, and what is annually made, with the great Addition of what wou'd certainly be brought across *Potowmack* River from *Virginia* to be shipp'd? The Consequences wou'd be terrible, and the most calamitous to this Province, that can be imagin'd.

Besides what has been said, I wou'd be glad to be inform'd by any Enemy to the Inspection Law, how it will be possible to carry on the Tobacco Trade without one, under the late Act of Parliament, which has the following Clause in it, "That from and after the Twenty-fifth Day of March,

One thousand seven hundred and fifty two, when any Ship or Vessel whatsoever shall have taken in Tobacco at any Port or Place whatsoever, within his Majesty's Plantations in America, in Order to convey the same from thence into Great Britain (except such Tobacco as shall be Waterborne before the said Twenty-fifth Day of March, One thousand seven hundred and fifty two), the Collector or Comptroller, or other chief Officer, or any two of them, employed in the Management of the Customs, at such Port or other Place, where such Ship or Vessel shall have taken in Tobacco, shall, at and upon the clearing of every such Ship or Vessel by the proper Officer or Officers of the Customs appointed for that Purpose, deliver to the Master, Commander, or other Person taking Charge of any such Ship or Vessel, a Manifest or Content in Writing, under his and their Hands and Seals of Office, which shall contain a true Account of all the Tobacco laden on board every such Ship or Vessel, with the Number of Hogheads, Casks, Chests, and other Packages containing the same, and the Quantity of the Tobacco contained in each particular Hoghead, Cask, Chest, and other Package, together with the Marks and Numbers set on each and every Hoghead, Cask, Chest, or other Package thereof, with the Tare of each particular Hoghead, Cask, Chest, or other Package, in which such Tobacco shall be contained; and also shall, at and upon the clearing of every such Ship or Vessel, as aforesaid, immediately transmit a Duplicate of such Manifest or Content to the respective Commissioners of the Customs in Great Britain: And any Collector, Comptroller, or other chief Officer or Officers of the Customs at any Port or Place in his Majesty's Plantations in America, who shall, at and upon the clearing of any Ship or Vessel having Tobacco laden on board her, as aforesaid, neglect or refuse to deliver to the Master, Commander, or other Person taking Charge of such Ship or Vessel, such Manifest or Content as is herein before specified and directed; or who shall not, at and upon the clearing any such Ship or Vessel, immediately transmit a Duplicate of such Manifest or Content to the said respective Commissioners of the Customs in Great Britain, shall forfeit and lose the Sum of Two Hundred Pounds, to be recover'd in any of his Majesty's Courts of Record at Westminster, or in the Court of Admiralty, in his Majesty's Plantations, where such Offence shall be committed."

Some People (as I am inform'd), have been so weak as to suggest, that the Act of Parliament is only binding and penal upon the Collectors, and Naval Officers (who are the only Officers we have, concern'd in the Entry and Clearance of Ships), and that others are quite unconcern'd what Penalties those Officers incur. It wou'd be astonishing if so extravagant a Notion shou'd ever enter into the Head of any sensible Man, and (tho' Absurdities seldom want Patrons) I am persuaded the Broacher of this will never dare to avow it in Public, however, he may privately endeavour to insinuate it into the Minds of the ignorant and unwary. When this Act of Parliament was made, it was well known at home that we had an Inspection Law, which enabled the Officers of the Customs to send home the Manifests required; and to deter them from neglecting their Duty, and to prevent Frauds in his Majesty's Customs, the Act of Parliament was made, and the Penalties imposed. But suppose the Inspection Law was to drop, and no other Provision made in lieu of it; what possible Means have the Officers to make out the Manifests required? Will they clear any Ship without them, unless they are mad, and have a Mind to precipitate their own Ruin? If they are render'd incapable of complying with what is required of them, by an Act or Omission of the Country, they are blameless; but they must not venture to clear any Ship, as, by doing so, they subject themselves to the Penalty. What is then to be done? Must the Ship depart without a Clearance? Yes, and be liable, as well as the Cargo, to a Seizure upon her Arrival in England, and, if not forfeited, will at best be attended with a very great Expence; and this the Planters must surely pay, which will sink deep into the Price of their Tobacco. Then the Act of Parliament is evaded by the Act or Omission of the Country; yes, and I dread the Consequences of it, as I cannot be certain that such an Evasion may not be construed as an Attempt to render an Act or Acts of Parliament, made for us, void and fruitless, and an Endeavour to shake off that Dependence we are under to our Mother Country; and therefore occasion our being laid under such Restraints, as we may feel the sad Effects of. This we may be assur'd of, that the Parliament will not be trifled with. But some invent

tive People have remove all Duties to weigh cannot be done will cost a great Inspection, and Tare, and Net sufficient to be Thing is too I have endeavoured Advantages of well as of the the greatest I have no Interest or Advantage sink, I cannot think we have above Water, may be wife the greatest T

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